

State Orphan Home.

Year ending August 31, 1907.

Fuel \$1,000 00
 Balance due the State Printing
 Co., account House of Repre-
 sentatives, 29th Legislature. 60 57
 WILLACY, Chairman.

TWENTY-FOURTH DAY.

Senate Chamber,
 Austin, Texas,

Friday, February 8, 1907.

Senate met pursuant to adjournment.

Lieutenant Governor A. B. Davidson
 in the chair.

Roll call, quorum present, the follow-
 ing answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Meachum.
Chambers.	Murray.
Faust.	Paulus.
Glasscock.	Senter.
Green.	Skinner.
Greer.	Smith.
Griggs.	Stokes.
Grinnan.	Stone.
Harbison.	Terrell.
Harper.	Veale.
Holsey.	Watson.
Kellie.	Willacy.

Absent.

Cunningham. Mayfield.

Absent—Excused.

Hudspeth.

Prayer by Rev. H. M. Sears, Chaplain
 of the Senate.

Pending the reading of the Journal
 of yesterday, on motion of Senator Stone,
 the same was dispensed with.

(President Pro Tem. Skinner in the
 chair.)

(See Appendix for committee reports,
 petitions and memorials.)

BILLS AND RESOLUTIONS.

By Senator Green:

Senate Joint Resolution No. 11, To
 amend Section 2, Article VIII, of the
 Constitution of the State of Texas, re-
 lating to certain exemptions from tax-
 ation.

Read first time, and referred to Com-
 mittee on Constitutional Amendments.

By Senators Stone and Grinnan:

Senate Joint Resolution No. 12, To
 amend Section 51 of Article 3 of the

Constitution of the State of Texas, as
 amended in 1903, so as to authorize the
 grant of aid in the establishment and
 maintenance of a home for the disabled
 and dependent wives and widows of
 Confederate soldiers and sailors, and
 such women as aided the Confederacy,
 and making an appropriation."

Read first time, and referred to Com-
 mittee on Constitutional Amendments.

By Senators Stone and Smith:

Senate bill No. 166, A bill to be en-
 titled "An Act to repeal an act passed
 by the Twenty-ninth Legislature, at the
 Regular Session, being Chapter 112,
 page 219, of the General Laws."

Read first time, and referred to Judi-
 ciary Committee No. 1.

By Senator Greer:

Senate bill No. 167, A bill to be en-
 titled "An Act to amend Article 3984,
 Chapter 14, Title 84, Revised Civil
 Statutes of the State of Texas, relating
 to school districts, and regulating the
 location and building of school houses
 therein."

Read first time, and referred to Com-
 mittee on Education.

By Senator Grinnan:

Senate bill No. 168, A bill to be en-
 titled "An Act relating to and provid-
 ing for the assessment of taxes of
 lands and interests in lands on and in
 which there is oil and other minerals."

Read first time, and referred to Judi-
 ciary Committee No. 1.

By Senator Chambers:

Senate bill No. 169, A bill to be en-
 titled "An Act making it a misde-
 meanor for a man to willfully or neg-
 ligently fail or refuse to provide for
 the support of his family, and to fix a
 penalty therefor, and to provide for the
 maintenance of his family while he is
 being punished."

Read first time, and referred to Judi-
 ciary Committee No. 2.

By Senator Skinner:

Senate bill No. 170, A bill to be en-
 titled "An Act to amend Section 7,
 Chapter 10, of the General Laws of
 Texas of 1905, Acts of the First Called
 Session, Twenty-ninth Legislature, in
 reference to the reserve fund to be kept
 by State banks, and providing an emer-
 gency."

Read first time, and referred to Judi-
 ciary Committee No. 1.

By Senators Griggs and Meachum:

Senate bill No. 171, A bill to be entitled "An Act to amend Section 53, Article 642, Chapter 2, Title XXI, of the Revised Statutes of Texas, and to validate certain bonds issued by terminal railway companies."

Read first time, and referred to Committee on Internal Improvements.

Morning call concluded.

(Lieutenant Governor Davidson in the chair.)

HOUSE BILL NO. 53.

On motion of Senator Willacy, the special order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, House bill No. 53.

The Chair laid before the Senate, on second reading,

House bill No. 53, A bill to be entitled "An Act imposing an annual occupation tax upon each office or place kept and maintained by any person, firm or corporation in this State at which intoxicating liquors legally deliverable are delivered upon payment of purchase money therefor, providing a penalty for failure to pay such tax, and declaring an emergency."

On motion of Senator Willacy, the committee report, which provided that the bill be not printed, was adopted.

Senator Willacy offered the following amendment, which was adopted:

Amend the bill by striking out all after the word "dollars," in line 12, of Section 1, and insert in lieu thereof the following: "And any county or any incorporated city or town wherein such office or place is located, may levy an annual occupation tax upon such person, firm or corporation herein referred to for each of said offices, not to exceed one-half of the amount hereby levied by the State, such tax to be due and payable annually."

Senator Senter offered the following amendment:

Amend House bill No. 53 by striking out "Section 3" and in lieu thereof inserting the following:

"Section 3. This act shall take effect ninety days after its passage."

Pending prolonged discussion,

Senator Harper moved the previous question on the amendment and the bill, which motion was duly seconded, and was so ordered by a unanimous vote.

Question being on the amendment by Senator Senter, the same was lost by the following vote:

Yeas—2.

Senter. Stokes.

Nays—27.

Alexander.	Kellie.
Barrett.	Looney.
Brachfield.	Masterson.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stone.
Griggs.	Terrell.
Grinnan.	Veale.
Harbison.	Watson.
Harper.	Willacy.
Holsey.	

Absent.

Mayfield.

Absent—Excused.

Hudspeth.

Bill read second time and passed to a third reading.

On motion of Senator Willacy, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	Watson.
Holsey.	Willacy.
Kellie.	

Absent.

Mayfield.

Absent—Excused.

Hudspeth.

The bill was read third time, and passed by the following vote:

Yeas—29.

Alexander.	Chambers.
Barrett.	Cunningham.
Brachfield.	Faust.

Glasscock.	Murray.
Green.	Paulus.
Greer.	Senter.
Griggs.	Skinner.
Grinnan.	Smith.
Harbison.	Stokes.
Harper.	Stone.
Holsey.	Terrell.
Kellie.	Veale.
Looney.	Watson.
Masterson.	Willacy.
Meachum.	

Absent.

Mayfield.

Absent—Excused.

Hudspeth.

Senator Willacy moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

REASONS FOR THE AMENDMENT OFFERED TO HOUSE BILL NO. 53.

The effect of this bill with the emergency clause attached will be to confiscate to a serious extent the property of Texas consignors of C. O. D. packages heretofore sent out. These shipments were made under authority of law, and the consignors hold the contracts of the express companies to make C. O. D. deliveries. With the emergency clause the bill will become effective immediately. The express companies must either repudiate the existing C. O. D. contracts or pay the tax provided for in the bill. The inevitable result will be to produce conflict and litigation between the express companies and the consignors of C. O. D. packages, and it is also probable that litigation will result between the State and the express companies. It is not improbable that some of the express companies will undertake to comply with their C. O. D. contracts for delivery, and in such event they will defend the suits that may be instituted against them by the State on the ground that the law is unconstitutional because its effect is to impair the obligation of existing contracts. If that contention should be sustained, the law may fall on account of it. Whether it be sound or otherwise, the principles of justice which should apply in all cases demand that the law should not be given a retroactive effect. I have attempted to prevent this by an amendment providing that the law shall take effect in ninety days after its passage, and be-

lieve that this or some other future date should be fixed for giving effect to the law.

SENTER.

COMMITTEE SUBSTITUTE SENATE BILL NO. 33.

On motion of Senator Griggs, the special order of business (Senate bill No. 8) was suspended, and the Senate took up, out of its order, Senate bill No. 33.

Question being on the committee report, which recommended a substitute bill, the same was adopted.

The Chair laid before the Senate, on second reading,

Committee Substitute Senate bill No. 33, A bill to be entitled "An Act to confer the power of eminent domain upon interurban electric railway companies, to regulate the exercise thereof, to permit such companies to construct their railways along and across highways, steam railways, roads, canals, streets, streams, bays, navigable waters and arms of the sea, and to condemn easements and rights of way upon the track or tracks of any electric street railway companies in this State, and to regulate the manner thereof, providing for the making this law cumulative of the General Laws of the State of Texas, and to confer upon interurban electric railway companies the authority to produce, supply and sell electric light and power to the public and to municipalities, and providing an emergency."

Bill read second time and ordered engrossed.

On motion of Senator Griggs, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—28.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	Watson.
Holsey.	Willacy.

Absent.

Kellie.

Mayfield.

Absent—Excused.

Hudspeth.

The bill was read third time, and passed by the following vote:

Yeas—29.

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Faust.	Senter.
Glasscock.	Skinner.
Green.	Smith.
Greer.	Stokes.
Griggs.	Stone.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	Watson.
Holsey.	Willacy.
Kellie.	

Absent.

Mayfield.

Absent—Excused.

Hudspeth.

Senator Griggs moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 52, A bill to be entitled "An Act to regulate the admission of evidence in damage suits against railroad companies and providing that the defense of contributory negligence, fenced road, switches, yards and open crossings shall not be permitted in any such case, unless the said railroad shall allege and prove that all its engines in use on said railroad were at the time equipped with electric headlights, if the damages sought to be recovered was from an accident happening in the night time, the railroad company shall further allege and prove that at such time the engine was properly equipped with an electric headlight and in proper use." with engrossed rider.

House bill No. 176, A bill to be entitled "An Act incorporating the Stephenville Independent School District, in Erath county, Texas, for free

school purposes only; defining its boundaries and providing for a board of trustees; divesting the city of Stephenville of the control of its public schools and title to school property, and vesting the same in said Stephenville Independent School District and its board of trustees; prescribing the rights, powers, privileges and duties of said Stephenville Independent School District and its board of trustees, and declaring an emergency."

House bill No. 237, A bill to be entitled "An Act to create a more efficient road system for Caldwell county."

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after their captions had been read, the following House bills:

House bill No. 237, referred to Committee on Roads, Bridges and Ferries.

House bill No. 176, referred to Committee on Educational Affairs.

House bill No. 52, referred to Committee on Internal Improvements.

BILLS SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign in the presence of the Senate, after their captions had been read:

Senate bill No. 151, "An Act to amend Section 6 of Chapter 102 of the Acts of the Regular Session of the Twenty-sixth Legislature, entitled 'An Act to promote agriculture and stock-raising, and to prohibit the hunting with firearms or dogs upon the enclosed or posted lands of another, in all counties within this State, not specially named as exempt from the provisions of this act,' as amended by the Twenty-eighth Legislature, and as amended by Chapter 71a, General Laws of the Twenty-ninth Legislature, to provide penalties and with an emergency clause."

House bill No. 18, "An Act appropriating \$5000, or so much as may be necessary for use of the Railroad Commission of Texas, to defray the expense of any extra labor, traveling or other expenses in preparing the defense of the Railroad Commission in the suits now pending in the Federal court for the Western District of Texas, wherein certain railroad companies are suing to enjoin the enforcement of orders reduc-

ing their rates, and declaring an emergency,"

House Concurrent Resolution No. 5, Providing for the adoption of the Joint Rules of the Twenty-ninth Legislature until permanent rules are adopted.

SENATE BILL NO. 21—HOUSE
AMENDMENTS CONCURRED IN.

Senator Stone called up

Senate bill No. 21, A bill to be entitled "An Act to amend Article 1442 of Title XXX, Chapter 20, of the Revised Civil Statutes of the State of Texas, pertaining to giving security for costs,"

And moved that the Senate concur in the following House amendments:

Amend by inserting the words "or justice of the peace" after the word "clerk," in line 22, and after the word "clerk," in line 24.

Strike out in line 35 the words "and noted," and insert "by noting it."

The motion to concur was adopted.

SENATE BILL NO. 8—ANTI-FREE
PASS BILL.

The Chair laid before the Senate, as special order, on second reading,

Senate bill No. 8, A bill to be entitled "An Act to prohibit railway companies, street railway companies, interurban railway companies or any other chartered common carrier or transportation companies, or express or sleeping car companies, or the receivers or lessees thereof, or their officers, agents or servants in this State, from carrying persons free of charge, or carrying property free of charge, or giving to or for any person or passenger a free pass or authority to travel or pass free or to have property transported free over any line or lines owned, operated or controlled by any such company in this State, and naming certain persons who are excepted from the prohibition; also prohibiting any of said companies, their officers, agents, employees, receivers or lessees from discriminating among persons in rates and service; prohibiting any person not excepted from using or enjoying such free pass or free transportation or from becoming the beneficiary of any discrimination and prescribing suitable penalties, fines and imprisonment for the violation of the provision of the act, providing for prosecutions, fixing venue of suits, and appropriating any penalties that may be collected hereunder."

Question being on the committee re-

port, which recommended the bill with amendments, and

Senator Murray made the point of order and asked of the Chair a ruling, that if the committee amendments were adopted, would the amendments become a part of the bill and then be subject to further amendment?

The Chair held that if the committee amendments were adopted that they would then become a part of the bill and would be subject to amendment.

On the question of the committee report, the same was adopted.

Following is the committee amendment:

Amend Section 1 by adding after the word "dollars," in line 13, of the type-written bill, the following: "It is expressly provided that none of the above named companies, nor the receivers or lessees of them or any of them, shall directly or indirectly issue, give, grant or sell any mileage book, ticket, pass or mileage of any character or transportation of any kind to any person or persons, firm, corporation or association of persons in pursuance of any contract for advertising or for any insertion or publication in any magazine, newspaper or publication within the State, and any violation hereof shall be subject to all the pains and penalties provided for in this act."

Senator Looney offered the following amendment:

Amend the bill as reported by the committee by striking out in its entirety the committee amendment, page 7, and insert in lieu thereof, at the end of Section 1, as follows: "And provided further, that nothing in this act shall prohibit any such company, receiver or lessee thereof, as contemplated herein, from paying for legitimate advertising contracts with mileage or transportation, subject to the provisions prohibiting discrimination."

RECESS.

Pending discussion on the amendment by Senator Looney,

Senator Terrell moved that the Senate adjourn until Monday morning at 10 o'clock, and

Senator Looney moved, as a substitute motion, that the Senate recess until 3 o'clock this afternoon.

The Chair put the substitute motion first, and

Senator Terrell made a point of order that the motion to adjourn should be put first, as a motion to adjourn was always in order, and also that, accord-

ing to the Rules, the motion for the longest time should be put first.

The Chair (Lieutenant Governor Davidson) overruled the point of order, stating that the motion by Senator Looney was a substitute motion for the one to adjourn.

The motion to recess until 3 o'clock was adopted by the following vote:

Yeas—15.

Barrett.	Paulus.
Green.	Senter.
Greer.	Skinner.
Grinnan.	Stokes.
Harbison.	Stone.
Harper.	Veale.
Holsey.	Willacy.
Looney.	

Nays—11.

Alexander.	Griggs.
Brachfield.	Masterson.
Chambers.	Meachum.
Cunningham.	Terrell.
Faust.	Watson.
Glasscock.	

Absent.

Kellie.	Murray.
Mayfield.	Smith.

Absent—Excused.

Hudspeth.

AFTER RECESS.

The Senate was called to order by Lieutenant Governor Davidson, and the pending order of business (Senate bill No. 8) was resumed, the question being on the amendment by Senator Looney, and

Senator Alexander moved that the Senate adjourn until Monday morning at 10 o'clock, which motion was lost by the following vote:

Yeas—6.

Faust.	Harbison.
Glasscock.	Kellie.
Griggs.	Watson.

Nays—21.

Alexander.	Looney.
Barrett.	Mayfield.
Brachfield.	Meachum.
Chambers.	Murray.
Cunningham.	Paulus.
Green.	Senter.
Greer.	Smith.
Grinnan.	Stokes.
Harper.	Stone.

Terrell.	Willacy.
Veale.	

Absent.

Holsey.	Skinner.
Masterson.	

Absent—Excused.

Hudspeth.

Question then being on the amendment by Senator Looney and

Senator Smith moved to table the amendment, which motion was adopted by the following vote:

Yeas—24.

Alexander.	Kellie.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Glasscock.	Paulus.
Green.	Skinner.
Greer.	Smith.
Griggs.	Terrell.
Grinnan.	Veale.
Harper.	Watson.
Holsey.	Willacy.

Nays—4.

Harbison.	Senter.
Looney.	Stokes.

Absent—Excused.

Hudspeth.

PAIRED.

Senator Faust votes "no"; Senator Stone votes "yea."

Senator Terrell offered the following amendment:

Amend the bill by adding the following:

"Sec. 9a. The passenger fare upon all railroads in this State shall be 2 cents per mile, with an allowance of baggage to each passenger not to exceed 250 pounds in weight; provided, however, that where fare is paid to the conductor, the rate shall be 3 cents per mile, except from stations where no tickets are sold and that the minimum charge in no case shall be less than 25 cents; and provided further, that when the passenger fare does not end in 5 or 0, the nearest sum to the one so ending shall be the fare; provided further, that in no case shall children under 10 years of age be charged a higher rate of fare than 1 cent per mile; provided further, that railroads shall be re-

quired to keep their ticket offices open half an hour prior to the departure of trains, and upon failure to do so they shall not charge more than 2 cents per mile."

BRACHFIELD,
TERRELL,
BARRETT.

Senator Green made the point of order that the amendment was not germane, and

Senator Kellie moved that the Senate adjourn until Monday morning at 10 o'clock. The yeas and nays were called for, and the motion was lost by the following vote:

Yeas—7.

Brachfield.	Murray.
Griggs.	Terrell.
Kellie.	Watson.
Meachum.	

Nays—20.

Alexander.	Looney.
Barrett.	Masterson.
Chambers.	Mayfield.
Cunningham.	Paulus.
Green.	Senter.
Greer.	Skinner.
Grinnan.	Smith.
Harbison.	Stone.
Harper.	Veale.
Holsey.	Willacy.

Absent.

Faust.	Stokes.
Glasscock	

Absent—Excused.

Hudspeth.

Senator Green withdrew the point of order, and

Senator Smith moved to table the amendment.

Pending discussion, Senator Green renewed his point of order that the amendment was not germane to the bill, and

The Chair sustained same.

Senator Brachfield offered the following amendment:

Amend the bill by adding to Section 1 the following: "Provided, that sheriffs, rangers and other peace officers shall not be exempted from the provisions of this act except when the said officer is in the actual discharge of his duties, and should he take advantage of said exemption he shall not charge the county, State or party to a suit mileage for the service of any process where

such service is made while using such free transportation."

Senator Green offered the following amendment to the amendment:

Amend the amendment by adding after the word "transportation," "and in the event any officer herein named shall collect mileage when he travels on free transportation he shall be punished as provided in Section 5 of this act."

Senator Stone offered the following substitute for the amendment and amendment to the amendment:

Amend the bill by striking out all between the word "organization," in lines 18 and 19, and the word "also," in line 21, Section 1, page 2.

BILL SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign in the presence of the Senate, after its caption had been read,

Senate bill No. 1, A bill to be entitled "An Act to amend Article 1442 of Title XXX, Chapter 20, of the Revised Civil Statutes of Texas, pertaining to giving security for costs."

SECOND HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House bill No. 67, A bill to be entitled "An Act creating an independent school district, to be known as the Quanah Independent School District, including within its limits the municipal corporation of the town of Quanah, in Hardeman county, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authority of said board," with engrossed rider.

House bill No. 204, A bill to be entitled "An Act to amend Section 3 of Chapter 58 of the Acts of the Regular Session of the Twenty-ninth Legislature of the State of Texas, reorganizing the Twenty-third, Twenty-fourth, Twenty-

fifth, Thirty-sixth and Forty-ninth Judicial Districts of the State of Texas, and fixing the time of holding district courts therein, so as to change the time of holding district court in Gonzales county," with engrossed rider.

House Concurrent Resolution No. 10, Inviting the Hon. William Jennings Bryan to address the Legislature.

House concurs in Senate amendments to House bill No. 53.

Respectfully,

BOB BARKER,

Chief Clerk, House of Representatives.

BILLS READ AND REFERRED.

The Chair (Lieutenant Governor Davidson) had read and referred, after their captions had been read, the following House bills:

House bill No. 67, referred to Committee on Educational Affairs.

House bill No. 204, referred to Committee on Judicial Districts.

ADJOURNMENT.

Senator Willacy moved that the Senate adjourn until Monday morning at 10 o'clock, and

Senator Greer moved that the Senate adjourn until tomorrow morning at 10 o'clock.

Question being on the longest time first, the motion to adjourn until Monday morning at 10 o'clock was adopted.

APPENDIX.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, February 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Rules, to whom was referred

Senate simple resolution by Holsey, amending Senate Rule No. 88,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, and that the following committee substitute be passed in lieu thereof, and that the same be not printed.

GREER, Chairman.

Amend the Rules of the Senate by striking out Rule No. 88, and inserting in lieu thereof the following:

"Rule 88. That persons hereinafter named and none other, shall be admitted

to the Senate Chamber while the Senate is in session viz.:

The members and employes of the Senate, Representatives and employes of the House of Representatives, the Governor and his private secretary, the Lieutenant Governor, and the members of the families of the Lieutenant Governor and Senators, the officers of the general State government, the President and Vice President of the United States, United States Senators and members of Congress, Governors of other States, the heads of the departments, judges of the Supreme Court and the Courts of Criminal and Civil Appeals. Provided, that the exceptions herein named shall not apply to any person or persons engaged in lobbying.

2. Reporters of newspapers shall be assigned appropriate and convenient seats in the Senate by direction of the President.

3. Provided, that no newspaper reporter, or any person whomsoever, who is lobbying or working for or against any pending or prospective legislative measure, shall in any event be admitted upon the floor of the Senate or rooms leading thereto when the Senate is in session, nor shall any newspaper reporter whose salary or compensation is paid in whole or in part by any person, corporation, firm or association other than the paper or papers for which he reports be admitted into the hall or rooms leading thereto when the Senate is in session.

4. It shall not be in order for the President to entertain a request, motion or resolution for the suspension of this rule or to present from the Chair the request of any member for unanimous consent.

5. It shall be the duty of the Sergeant-at-Arms and his assistant to clear the Senate Chamber of all persons not entitled to the privileges thereof five minutes before the hour of meeting.

6. Provided, that this rule shall not apply to persons who are invited to address the Senate when in session, nor shall it apply to any person who desires to appear before any committee, while going to or returning from the session of said committee; and provided further, that this rule shall not apply during the inauguration of the Governor and other public ceremonies provided for by resolution of the Senate. All officers and employes of the Senate are prohibited from lobbying in favor of or against any measure or proposition pending before the Senate, and should any officer or employe violate this rule

the same shall be cause for dismissal from the service of the Senate.

Committee Room,
Austin, Texas, February 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 72, A bill to be entitled "An Act to amend Chapter 8, Title XXX, of the Revised Civil Statutes of 1895, by adding thereto Article 1269a, and repealing all laws in conflict therewith; relating to the pleadings of the defendant and for changing venue where a plea of privilege to be sued in a different court or county sustained, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,
Austin, Texas, February 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 70, A bill to be entitled "An Act to amend Article 5065 of Title CIV, Chapter 2, of the Revised Civil Statutes of the State of Texas, as amended by Chapter 127 of the General Laws of the State of Texas, passed by the Twenty-ninth Legislature at its Regular Session in 1895, so as to define, exempt and regulate the exemption of endowment funds of educational institutions from taxation,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,
Austin, Texas, February 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 37, A bill to be entitled "An Act to create, fix and establish a cause of action to recover money or any thing of value lost, paid or delivered in gambling, raffles, lotteries, bet or wager or what is commonly known as dealings in futures and to designate in whose behalf such cause of action exists and against whom recovery in such actions can be had, and to fix an attorney's fee for recovery in such ac-

tion and fixing a lien upon the property in which any such transactions are had, and to compel the testimony of witnesses,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,
Austin, Texas, February 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 34, A bill to be entitled "An Act to amend Article 3379 of the Revised Civil Statutes of the State of Texas, 1895,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,
Austin, Texas, February 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 73, A bill to be entitled "An Act to amend Title LVI of the Revised Civil Statutes of the State of Texas, relating to injunctions by adding thereto Article 2989a, authorizing an appeal from an order granting or dissolving a temporary injunction,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

STONE, Chairman.

Committee Room,
Austin, Texas, February 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a majority of your Committee on Judicial Districts, to whom was referred

Senate bill No. 58, A bill to be entitled "An Act to amend Article 21 of Title IV of the Revised Civil Statutes of Texas, and to create the Sixth Supreme Judicial District of Texas, and provide for the organization of a Court of Civil Appeals within and for the Sixth Supreme Judicial District of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommen-

dation that it do pass, with the following amendment:

Amend the bill by striking out of Section 5 of the bill the word "Fannin," and out of Section 1, "Cherokee," "Nacogdoches and Shelby," and add to Section 6 the following: "Fannin, Cherokee, Nacogdoches and Shelby."

WATSON, Chairman.

Committee Room,

Austin, Texas, February 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: We, a minority of your Committee on Judicial Districts, to whom was referred

Senate bill No. 58, A bill to be entitled "An Act to amend Article 21 of Title IV of the Revised Statutes of Texas, and to create the Sixth Supreme Judicial District of Texas, and provide for the organization of a Court of Civil Appeals within and for the Sixth Supreme Judicial District of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that Senate bill No. 146 be substituted therefor and passed in lieu thereof.

HARPER.

(Floor Report.)

Committee Room,

Austin, Texas, February 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

House bill No. 176, A bill to be entitled "An Act incorporating the Stephenville Independent School District, in Erath county, Texas, for free school purposes only; defining its boundaries, and providing for a board of trustees; divesting the city of Stephenville of the control of its public schools and title to school property, and vesting the same in said Stephenville Independent School District and its board of trustees; prescribing the rights, power, privileges and duties of said Stephenville Independent School District and its board of trustees, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

Barrett, Chairman; Grinnan, Glasscock, Green, Senter, Meachum, Paulus, Kellie.

(Floor Report.)

Committee Room,

Austin, Texas, February 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Internal Improvements, to whom was referred

Senate bill No. 165, A bill to be entitled "An Act to authorize Galveston county to build and own the combination roadway and bridge from mainland to Galveston Island across Galveston Bay; to connect as part of the roadways of the county on the island and mainland, and the county to issue bonds for same on taxation; also establishing three-mile limit and condemnation proceedings and providing for the right of way; also to authorize all corporations using said structure to buy the bonds issued by the county, and to lease the right of easement of user of portion of said structure to such county on terms provided by this act and agreed on with the county commissioners court, with an emergency clause,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

Brachfield, Chairman; Masterson, Murray, Holsey, Senter, Faust, Skinner, Willacy, Alexander, Chambers, Green, Looney.

(Floor Report.)

Committee Room,

Austin, Texas, February 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 162, A bill to be entitled "An Act creating the San Saba Independent School District, in San Saba county, and defining its boundaries,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

Barrett, Chairman; Grinnan, Glasscock, Green, Senter, Meachum, Paulus, Kellie.

Committee Room,

Austin, Texas, February 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate Joint Resolution to amend Section 18, Article 5, of the Constitution of the State of Texas, so as to provide for subsequent redistricting of a county into commissioners' precincts; defining the manner thereof for submitting same to the electors of the State, and making an appropriation therefor,

And find the same correctly engrossed.
BARRETT, Acting Chairman.

Committee Room,
Austin, Texas, February 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 139, A bill to be entitled "An Act to create the Tulia Independent School District, and declaring an emergency,"

And find the same correctly engrossed.
BARRETT, Acting Chairman.

Committee Room,
Austin, Texas, February 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 161, A bill to be entitled "An Act to authorize, enable and permit the territory situated within the bounds of the city of Hallettsville, in the county of Lavaca, and State of Texas, and other lands and territory adjacent thereto, to incorporate as an independent school district for free school purposes only, to be known as the Hallettsville Independent School District, with all the powers, rights and duties of independent school districts formed by incorporation of towns and villages for free school purposes only, and declaring an emergency,"

And find the same correctly engrossed.
BARRETT, Acting Chairman.

Committee Room,
Austin, Texas, February 7, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 145, A bill to be entitled "An Act fixing the per diem pay and mileage of members of the Legislature, and validating certificates therefor heretofore issued to members of the Thirtieth Legislature and warrants issued by the Comptroller of Public Ac-

counts for such per diem and mileage, pursuant to such certificates,"

And find the same correctly engrossed.

BARRETT, Acting Chairman.

Committee Room,
Austin, Texas, February 8, 1907.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Substitute Senate bill No. 33, A bill to be entitled "An Act to confer the power of eminent domain upon interurban electric railway companies, to regulate the exercise thereof, to permit such companies to construct their railways along and across highways, steam railways, roads, canals, streets, streams, bays, navigable waters, and arms of the sea, and to condemn easements and rights of way upon the track or tracks of any electric street railway companies in this State, and to regulate the manner thereof, providing for the making this law cumulative of the General Laws of the State of Texas, and to confer upon interurban electric railway companies the authority to produce, supply and sell electric light and power to the public and to municipalities, and providing an emergency,"

And find the same correctly engrossed.
CUNNINGHAM, Chairman.

TWENTY-FIFTH DAY.

Senate Chamber,
Austin, Texas,
Monday, February 11, 1907.

Senate met pursuant to adjournment.
Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Cunningham.	Murray.
Faust.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Terrell.
Harbison.	Veale.
Harper.	Watson.
Holsey.	Willacy.
Kellie.	

Absent.

Glascock.	Stokes.
Hudspeth.	Stone.